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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,707	07/22/2003	Matthew Howard Haga		3645

7590

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EXAMINER

COBURN, CORBETT B

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/624,707

Applicant(s)

HAGA, MATTHEW HOWARD

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 22 Jan 03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The amendments to the specification filed on 21 September 2005 were not entered because they contain new matter.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "Displaying the gaming results associated with the game ticket includes individually displaying each game play outcome of the number of game play outcomes", is new matter.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 6, 9-13 & 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamille (US Patent Number 5,996,997).

**Claims 1, 10, 17:** Kamille teaches a device and method for validating scratch-off lottery tickets where the game ticket includes a number of game-play outcomes. Kamille detects whether a game ticket inserted at the player station includes a cover (Col 12, 6-14). The system inherently disables the player station from displaying gaming results associated with the game ticket in the event that the step of detecting whether the game ticket includes the cover indicates that the cover is present on the game ticket – if the cover has not been removed (i.e., the ticket has not been played) it is not possible to display game results. The system has the programming, sensors, and the processor necessary to carry out these functions. Kamille teaches displaying the gaming results associated with the game ticket at the play station in the event that the cover has been removed from the ticket. (Col 15, 40-45) Displaying the gaming results associated with the game ticket includes displaying each game outcome of the number of game play outcomes.

**Claim 2:** The step of detecting whether the game ticket includes the cover inherently includes producing a cover sensor output at a cover sensor. The sensor must produce some output if the cover is removed in order to score the game.

**Claims 6, 13:** The cover sensor is an optical sensor. (I.e., barcode scanner.)

**Claims 9, 16:** The step of detecting whether the game ticket includes the cover includes the step of attempting to detect a feature located on a substrate of the game ticket – the device reads the revealed barcodes. See Figs 9A & B and discussion thereof.

**Claims 11, 18:** Kamille teaches an orientation sensor coupled to the processor, the orientation sensor being operable to produce an orientation output indicative of an

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orientation of the game ticket in the game ticket reader. The cover sensor also functions as an orientation sensor. Clearly output must be read to have any effect.

**Claims 12, 19:** Kamille teaches enabling the player station to display gaming results associated with the game ticket in the event that the step of detecting whether the game ticket includes the cover indicates that the cover is absent and the step of determining the orientation of the game ticket in the player station indicates that the game ticket has been inserted properly. This is the whole point of any such ticket reader.

**Claims 20 & 21:** Kamille teaches an electrical system (Fig 13) for reading the tickets. This device has sensors to detect various levels of resistance, conductivity, etc. (Col 14, 25-27) Thus, the cover sensor and orientation sensor output comprises a signal residing at either a first signal level or a second signal level.

**Claim 22:** Kamille inherently teaches orientation sensor processing code for deriving the orientation sensor output from a set of data read from the game ticket – if the barcodes are readable, then the orientation is correct. If the barcodes are not readable (because the player put the ticket in face down), then the orientation is not correct.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kamille as applied to Claim 1.

**Claim 3:** The step of detecting whether the game ticket includes the cover inherently includes determining an orientation of the game ticket in the player station – the front of the ticket must face the scanner in order for the scanner to read the ticket. While Kamille does not affirmatively recite the step of producing a ticket misorientation notification in the event the step of determining the orientation of the game ticket in the player station indicates that the game ticket has not been inserted properly. The system must have some way to handle error conditions. This is a basic requirement for any reasonably robust system. Thus, error messages are extremely well known to the art – whether used to inform the processor that an error has occurred or displayed to a user. Either such a message is inherently included in Kamille's system, or it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kamille to include the step of producing a ticket misorientation notification in the event the step of determining the orientation of the game ticket in the player station indicates that the game ticket has not been inserted properly in order to be able to correctly handle errors.

**Claim 4:** Kamille teaches enabling the player station to display gaming results associated with the game ticket at the player station in the event that the step of detecting whether the game ticket includes the cover indicates that the cover is absent and the step of determining the orientation of the game ticket in the player station indicates that the game ticket has been inserted properly. This is the whole point of any such ticket reader.

**Claim 5:** The step of determining the orientation of the game ticket in the player station includes producing an orientation sensor output. The cover sensor is also the orientation

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sensor. Clearly, if it detects the proper orientation on a played ticket, it will produce some output.

8. Claim 7, 8, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille as applied to claim 1, 2, 10.

**Claims 7, 14:** Kamille teaches an optical and an electrical sensor, but does not teach a magnetic sensor. Applicant discloses the magnetic sensor as equivalent to an optical sensor. (Paragraph 0007) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kamille to include a magnetic sensor instead of an optical sensor because they are equivalent components.

**Claims 8, 15:** Kamille teaches attempting to detect a feature located on a substrate of the game ticket but does not teach that the step of detecting whether the game ticket includes the cover includes the step of attempting to detect a feature located on the cover.

Applicant discloses these as equivalent methods. (See paragraphs 0008 & 0009.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kamille to attempt to detect a feature located on the cover instead of attempting to detect a feature located on a substrate of the game ticket because these are equivalent methods.

### ***Response to Arguments***

9. Applicant's arguments filed 21 September 2005 have been fully considered but they are not persuasive. The arguments are drawn to the claims as amended and have been addressed in the rejection above.

10. Applicant's amendments have overcome the rejection under 35 USC §101.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

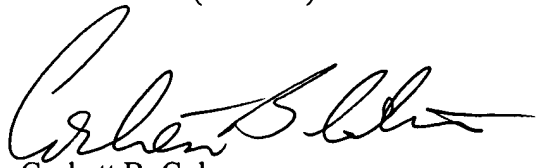
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Corbett B. Coburn', with a stylized, flowing script.

Corbett B. Coburn  
Examiner  
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